

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE**

**EDWARD FISH
and TYLER LIBBY,
individuals,**

Plaintiffs,

Case No. 07-cv-262-PB

v.

**QUIXTAR, INC.,
a Michigan corporation,**

Defendant.

**TEMPORARY RESTRAINING ORDER,
AND ORDER TO APPEAR**

This Court having read the Verified Complaint of Plaintiffs requesting a Temporary Restraining Order and Preliminary Injunction, and the Memorandum in Support, and considered the arguments of counsel; and it appearing that the plaintiffs will likely succeed on the merits of their claim that the parties' dispute is arbitrable, but that arbitration will be ineffective if defendant Quixtar is allowed to carry out its threat of termination before arbitration; and it further appearing that if terminated, the Plaintiffs do not have an adequate remedy at law and that the threatened actions of Defendant Quixtar will cause immediate and irreparable injury to Plaintiffs; and it further appearing that termination of the Plaintiffs' businesses will cause immediate irreparable injury; and it further appearing that the balance of hardships favors the Plaintiffs; the Court orders as follows:

1. This Order is entered without notice to prevent immediate and irreparable harm which would result from the delay required to affect such notice.

2. Pending a hearing on the preliminary injunction, Defendant Quixtar is restrained and enjoined from:

a. Suspending, terminating, or taking any other action adverse to the Plaintiffs' distributorships for their refusal to enter into the new contractual terms unilaterally designated by Quixtar;

~~b. Disparaging the TEAM business tools or teaching methods to the IBOs;~~ 2

~~c. Disparaging the TEAM affiliated IBOs, or otherwise engaging in activities~~ ✓

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~~injurious to the reputation of the TEAM affiliated IBOs;~~ 2

~~d. Suspending the earned bonus payments for any IBO in good standing;~~ 2

~~e. Interfering with the Plaintiffs business relationships or expectancies;~~ 2

3. Defendant Quixtar shall appear before this Court on August 23, 2007,

at 2:00 PM, ~~or as soon thereafter as counsel may be heard~~, at which time the

Court will consider whether ~~a preliminary injunction enjoining and restraining it from~~ The TRO should be dissolved.

~~the conduct described above shall issue, and whether the parties shall be ordered to arbitrate their dispute.~~

4. This Temporary Restraining Order shall expire on August 31, 2007, at

12:00 PM, ~~or as soon thereafter as a hearing is held on Plaintiffs' motion for a~~ order of the court.

~~preliminary injunction enjoining the conduct described above.~~

IT IS SO ORDERED this 21st day of August, 2007, at 11:35 PM

Plaintiffs' counsel shall notify Defendant of its opportunity to be heard by close of business day and shall report that Defendant has been properly and effectively notified, to the Deputy Clerk, and shall transmit a copy of this order to Defendant immediately.

Steven J. McAuliffe
The Honorable Steven J. McAuliffe
Chief District Judge